

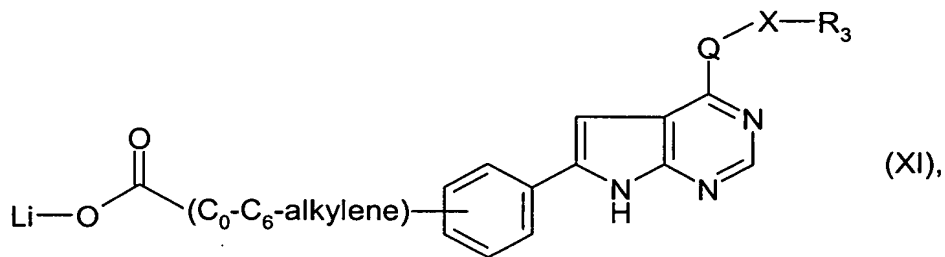
Remarks

Claims 1-10, 12 and 14-16 of the present application have been cancelled. Claims 11 and 13 are pending. Claim 11 was amended. Support for the claim amendment can be found throughout the specification. More specifically, support for support can be found in Example 145.1 on page 75 of the present application. Support for original claim 11 can be found in Example 145 on page 75 of the present application.

Objection to the Specification

Formula XI is made reference to on page 16. At the request of the Examiner, page 23 of the specification has been amended to read as follows:

- - A compound of formula XI can be prepared for example by reacting a compound of formula VIII with LiOH, preferably in a mixture of dioxane and water, at elevated temperatures, preferably under those conditions described in Step 141.4 of Example 141 below.



35 U.S.C. 112, second paragraph rejection

Claim 1-6, 12, 14, 15 and 16 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which application regards as the invention. Original claims 1-6, 12, 14, 15 and 16 have been canceled. Therefore, the rejection is moot.

35 U.S.C. 101 Rejection

Original claims 14 and 15 of the present invention were rejected under 35 U.S.C. 101 because the claimed invention lacks patentable utility. Claims 14 and 15 have been cancelled from the present application. Therefore, the rejection is moot.

35 U.S.C. 102(b) Rejection

Claims 1, 5, 13 and 15 have been rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,140,332 and, in the alternative U.S. Patent No. 6,180,636. Claims 1, 5, 13 and 15 have been cancelled.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

U.S. Patent No. 6,140,332 and, in the alternative U.S. Patent No. 6,180,636, do not teach each and every element of claims 11 and 13. Therefore, Applicants respectfully request that this rejection be withdrawn from consideration.

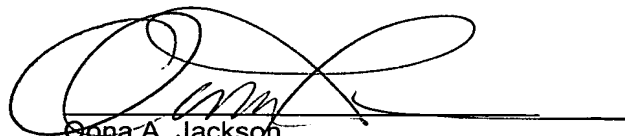
Double Patenting Rejection

Claims 1-10 and 12-16 are provisionally rejected under 35 U.S.C. 101 as claiming the same invention as that of claims 1-15 of copending Application No. 10/485747.

Claims 1-10 and 12-16 have been cancelled. Applicants also argue that the present set of claims are patentable distinct from co-pending Application No. 10/485,747.

Respectfully submitted,

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